

IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

LARRY CALDWELL,

Plaintiff,

v.

ANTHONY CLARK, et al.,

Defendants.

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CASE NO. 2:06-CV-0207-WKW

ORDER

On August 31, 2006, counsel for defendants McWhorter and Cain erroneously filed a motion to dismiss or entry of summary judgment. This motion is not properly before the court as the defendants submitted the motion without permission of the court. *See Order of March 8, 2006 - Court Doc. No. 4* at 2 (“No motion for summary judgment, motion to dismiss or any other dispositive motions . . . [may] be filed by any party without permission of the court.”). The aforementioned order further directed that “[i]f any pleading denominated as a motion for summary judgment, motion to dismiss or other dispositive motion is sent to the court [without the requisite permission having been granted], the court shall not file or otherwise treat the pleading as a dispositive motion until and unless further order of the court.” *Id.* Accordingly, it is

ORDERED that the motion to dismiss electronically filed by the defendants McWhorter and Cain on August 31, 2006 be stricken from the docket.

Done this 5th day of September, 2006.

/s/Charles S. Coody
CHARLES S. COODY
CHIEF UNITED STATES MAGISTRATE JUDGE